



W.P.(MD).Nos.510 of 2017 batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

RESERVED ON : 27.01.2025

PRONOUNCED ON : 17.02.2025

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

W.P.(MD).Nos.510, 511, 571, 572 and 9530 of 2017

M/s.Beach Mineral Company Private Limited,
Rep by Managing Director,
Mr.Harihara Mahadevan,
31-2, Halls Road,
Egmore,
Chennai – 600 008,
Tamil Nadu.

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep by The Chief Secretary of Government,
Government of Tamil Nadu,
Fort St.George,
Chennai – 600 009.

2.The Secretary to Government,
Industries Department,
Government of Tamil Nadu,
Fort St.George,
Chennai – 600 009.

3.The Commissioner of Customs,
Customs House New Harbour Estate,



W.P.(MD).Nos.510 of 2017 batch

Tuticorin – 628 004.

4.The Member Secretary,
Tamil Nadu Pollution Control Board (TNPCB),
Panagal Maaligai, 76,
Mount Salai, Guindy, Chennai – 600 032.

5.Principal Secretary,
Government of Tamil Nadu,
Ministry of Environment and Forests,
Fort St.George,
Chennai – 600 009.

[R4 & 5 are impleaded vide order
dated 12.11.2021 in W.P.(MD).No.510 of 2017]

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India,
praying for the issuance of Writ of Certiorari, calling for the records of the 3rd
respondent in Public Notice No.50/2016 in respect of petitioner and quash the
same.

For Petitioner : Mr.Puhazh Gandhi
For Respondents : Mr.Aravind P.Datar, Senior Counsel
asst by Mr.B.Vijay,
Additional Government Pleader (for R1,2&5)
Mr.B.N.Suchindran, Standing counsel (for R4)

COMMON ORDER

S.M.SUBRAMANIAM, J.

The Writ Petitions have been instituted challenging the Public Notice No.
50 of 2016 issued by the Commissioner of Customs, Thoothukudi.



W.P.(MD).Nos.510 of 2017 batch

2. The District Collector Tirunelveli, forwarded Minutes of the District level committee meeting by the letter dated 09.11.2016 requesting the Assistant Commissioner to insist on certain documents issued by the State Authorities, before allowing BSM for export. Consequently, Public Notice No. 50/2016 was issued by the Commissioner of Customs, Thoothukudi, directing the exporters of minerals for production of necessary certificate/ Documents namely Certificate of legally mined minerals from the concerned District Collector/ Transport permits along with bulk permits, certifying the legal source of BSM brought to the Customs area for export.

3. Challenging the trade facility issued by the Commissioner of Customs, Cochin, M/s. V.V Mineral filed WP(C).No.650 of 2017 before the High Court of Kerala and the Writ petition was dismissed on 26.07.2018. The Writ Appeal filed in W.A.No.1724 of 2018 was dismissed by the Division Bench on 03.09.2018. The Special Leave Petition filed by M/s. V.V Mineral in S.L.P. (C) No.2775 of 2019 has been dismissed by the Hon'ble Supreme Court as withdrawn on 20.2.2020. Thus, the Division Bench Judgment of Kerala High Court attained finality. Therefore, no further adjudication needs to be undertaken in respect of the issues raised by the Writ Petitioners.



W.P.(MD).Nos.510 of 2017 batch

WEB COPY

4. Accordingly, the Writ Petition in W.P.(MD).Nos.510, 511, 571, 572 and 9530 of 2017 stands dismissed. Consequently, the connected Miscellaneous Petitions, if any, are closed. No costs.

[S.M.S., J.]

[M.J.R., J.]

17.02.2025

Index: Yes/No

Speaking/Non-speaking order

gd



W.P.(MD).Nos.510 of 2017 batch

To

1. The Chief Secretary of Government,
Government of Tamil Nadu,
Fort St. George,
Chennai – 600 009.

2. The Secretary to Government,
Industries Department,
Government of Tamil Nadu,
Fort St. George,
Chennai – 600 009.

3. The Commissioner of Customs,
Customs House New Harbour Estate,
Tuticorin – 628 004.

4. The Member Secretary,
Tamil Nadu Pollution Control Board (TNPCB),
Panagal Maaligai, 76,
Mount Salai, Guindy, Chennai – 600 032.

5. Principal Secretary,
Government of Tamil Nadu,
Ministry of Environment and Forests,
Fort St. George,
Chennai – 600 009.



WEB COPY



W.P.(MD).Nos.510 of 2017 batch

S.M.SUBRAMANIAM, J.
AND
M.JOTHIRAMAN, J.

gd

W.P.(MD).Nos.510 of 2017 batch

17.02.2025